

Notice of Allowability

Application No.

09/992,454

Examiner

Fenn C Mathew

Applicant(s)

SJOSTAM, SVEN AKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/23/2005.
2. ☒ The allowed claim(s) is/are 2-8, 12 and 13.
3. ☒ The drawings filed on 23 March 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

JEROME W. DONNELLY
PRIMARY EXAMINER

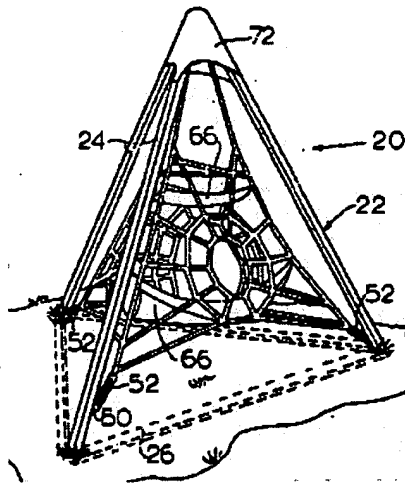
DETAILED ACTION

Drawings

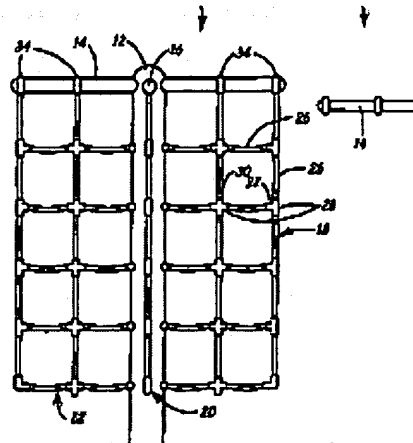
1. The drawings were received on 03/23/2005. These drawings are acceptable.

Allowable Subject Matter

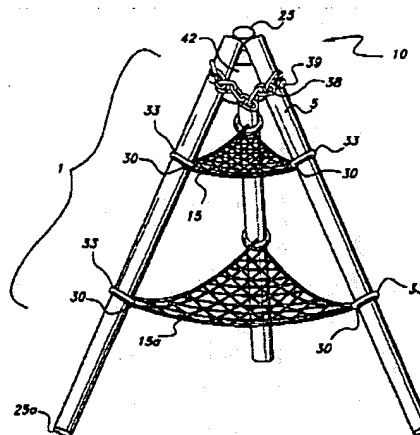
2. Claims 2-8 and 12-13 are allowed. The following is an examiner's statement of reasons for allowance: Huberman (U.S. 5,330,400)



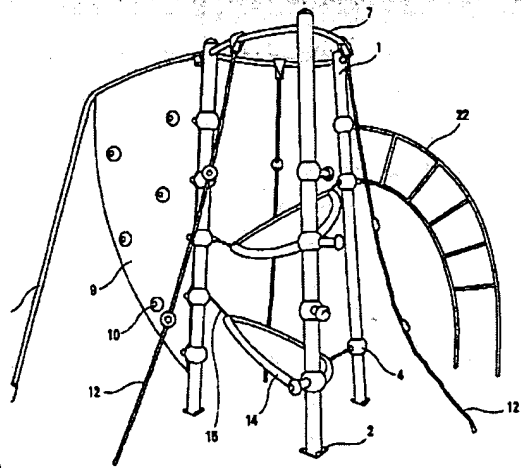
teaches a play structure including a closed loop with members inside, however, the closed loop cannot be construed as a frame, nor does Huberman teach a connector comprising rubber bushing which surround the mounting shaft affixed to the end of the closed loop.



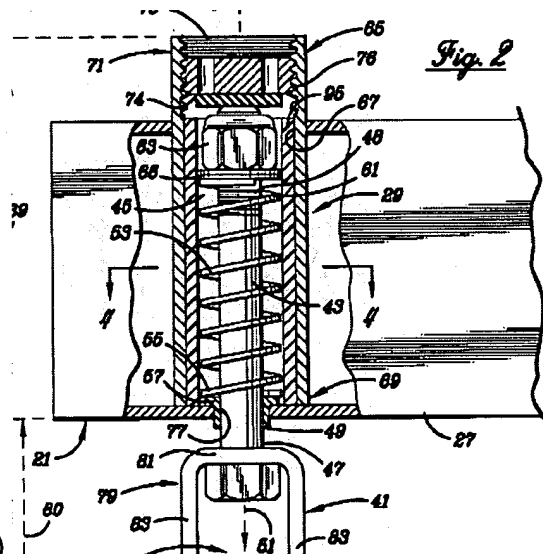
3. Berglund et al. (U.S. 6,475,117) teaches connection structures for a playground device. Berglund fails to teach connector comprising rubber bushing which surround the mounting shaft affixed to the end of the play unit wherein the play unit may have a limited and dampened swinging movement as a result of the rubber bushing.



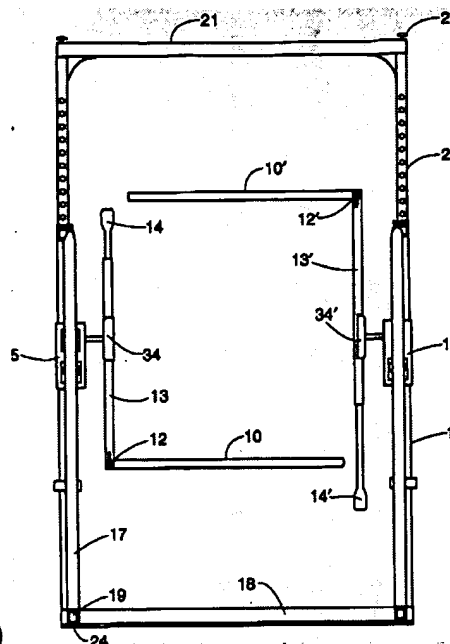
4. Merrill (U.S. 6,174,266) teaches a play unit, but also fails to teach a connector comprising rubber bushing which surround the mounting shaft affixed to the end of the play unit wherein the play unit may have a limited and dampened swinging movement as a result of the rubber bushing. Merrill further fails to teach a closed loop frame with members inside the frame.



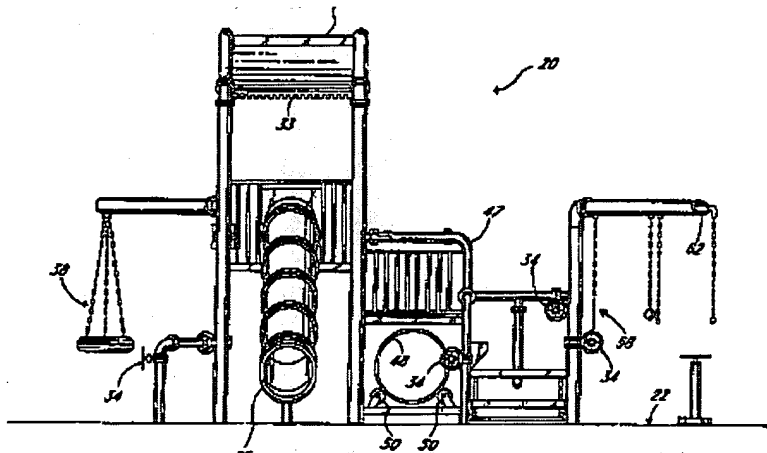
5. Katz (U.S. 6,095,950) teaches play units including a closed loop frame. The closed loop frame lacks members inside the frame as presented in the current invention. Furthermore, Katz fails to teach the mounting shaft, and connector comprising rubber bushing as substantially claimed.



6. Laudenslager (U.S. 6,090,018) teaches a mounting shaft as broadly interpreted, and a rubber bushing. Laudenslager fails to teach or make obvious a closed loop with a number of members inside the frame. (Examiner has interpreted the phrase 'a number of members' to mean a plurality of members).



7. Prueitt (U.S. 6,010,429) teaches a device including a mounting shaft, and a connector. Prueitt fails to teach a closed loop with a plurality of members inside the frame formed by the closed loop connected to the mounting shaft, and further fails to teach or make obvious the connector having a rubber bushing thereby giving swinging movement to the play unit and mounting shaft.

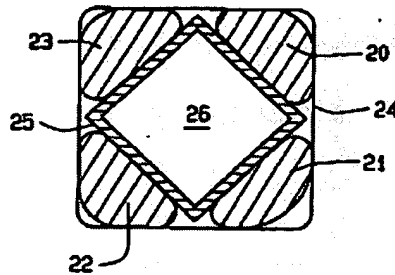


8. Briggs (U.S. 5,967,901) teaches the general state of playground devices. Briggs fails to teach the device as substantially claimed, including features such as the closed loop frame with members

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inside, a mounting shaft attached to the end of the closed loop frame, a post, and a connector comprising rubber bushing in the post which receives the mounting shaft thereby allowing dampened swinging movements.

9. The prior art of record fails to teach the device comprising a play unit in the form of a closed loop with a plurality of members inside the frame formed by the loop, a mounting shaft attached to the end of the closed loop, a post having a connector



comprising rubber bushing wherein the mounting shaft of the play unit is received by the connector thereby allowing dampened swinging movement of the play unit as a whole.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jcm

fcm
May 12, 2005

JEROME W. DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'J. Donnelly', with a long horizontal line extending to the right.